

# BIRCH, STEWART, KOLASCH & BIRCH, LLP

P.O. Box 747 • Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

ATTORNEY DOCKET NO.  
0994-0231P

PLEASE NOTE:  
YOU MUST  
COMPLETE THE  
FOLLOWING:

## COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT AND DESIGN APPLICATIONS



As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title: ➔

the specification of which is attached hereto. If not attached hereto,

Fill in Appropriate  
Information — ➔  
For Use  
Without  
Specification  
Attached:

the specification was filed on \_\_\_\_\_ as  
United States Application Number \_\_\_\_\_;  
and amended on \_\_\_\_\_ (if applicable); and/or  
the specification was filed on \_\_\_\_\_ as PCT  
International Application Number \_\_\_\_\_; and was  
amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Insert Priority  
Information:  
(if appropriate)

Prior Foreign Application(s)		Priority Claimed
Pat. Appln. 2001-214964	Japan (Number)	7 / 16 / 2001 (Month / Day / Year Filed) <input type="checkbox"/> Yes <input type="checkbox"/> No
	(Country)	
	(Number)	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(Country)	
	(Number)	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(Country)	
	(Number)	<input type="checkbox"/> Yes <input type="checkbox"/> No
	(Country)	

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

Insert Provisional  
Application(s):  
(if any)

(Application Number)	(Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Insert Requested  
Information:  
(if appropriate)

Country	Application Number	Date of Filing (Month / Day / Year)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Insert Prior U.S.  
Application(s): ➔  
(if any)

(Application Number)	(Filing Date)	(Status — patented, pending, abandoned)

I hereby appoint the following attorneys to prosecute this application and/or an international application based on this application and to transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorneys with a written notice to the contrary:

Raymond C. Stewart (Reg. No. 21,066)	Terrell C. Birch (Reg. No. 19,382)
Joseph A. Kolasch (Reg. No. 22,463)	James M. Slattery (Reg. No. 28,380)
Bernard L. Sweeney (Reg. No. 24,448)	Michael K. Mutter (Reg. No. 29,680)
Charles Gorenstein (Reg. No. 29,271)	Gerald M. Murphy, Jr. (Reg. No. 28,977)
Leonard R. Svensson (Reg. No. 30,330)	Terry L. Clark (Reg. No. 32,644)
Andrew D. Meikle (Reg. No. 32,868)	Marc S. Weiner (Reg. No. 32,181)
Joe McKinney Muncy (Reg. No. 32,334)	John A. Castellano (Reg. No. 35,094)
Donald J. Daley (Reg. No. 34,313)	John W. Bailey (Reg. No. 32,881)

Send Correspondence to:

**BIRCH, STEWART, KOLASCH & BIRCH, LLP or Customer No. 2292**  
P.O. Box 747 • Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

**PLEASE NOTE:  
YOU MUST  
COMPLETE  
THE  
FOLLOWING:**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First or Sole Inventor  
Insert Name of Inventor  
Insert Date This Document is Signed  
Insert Residence  
Insert Citizenship  
Insert Post Office Address

Full Name of First or Sole Inventor Insert Name of Inventor Insert Date This Document is Signed Insert Residence Insert Citizenship Insert Post Office Address	GIVEN NAME <b>Yatsuka Nakamura</b> FAMILY NAME <b></b> INVENTOR'S SIGNATURE  DATE* <b>Oct. 4 2003</b>	Residence (City, State & Country) <b>Nagano, Japan</b> CITIZENSHIP
POST OFFICE ADDRESS (Complete Street Address including City, State & Country) <b>1-11-5, Aokijima, Nagano-shi, Nagano-ken 381-2247, JAPAN</b>		
Full Name of Second Inventor, if any: see above	GIVEN NAME <b></b> FAMILY NAME <b></b> INVENTOR'S SIGNATURE <b></b> DATE*	Residence (City, State & Country) <b></b> CITIZENSHIP
POST OFFICE ADDRESS (Complete Street Address including City, State & Country) <b></b>		
Full Name of Third Inventor, if any see above	GIVEN NAME <b></b> FAMILY NAME <b></b> INVENTOR'S SIGNATURE <b></b> DATE*	Residence (City, State & Country) <b></b> CITIZENSHIP
POST OFFICE ADDRESS (Complete Street Address including City, State & Country) <b></b>		
Full Name of Fourth Inventor, if any see above	GIVEN NAME <b></b> FAMILY NAME <b></b> INVENTOR'S SIGNATURE <b></b> DATE*	Residence (City, State & Country) <b></b> CITIZENSHIP
POST OFFICE ADDRESS (Complete Street Address including City, State & Country) <b></b>		
Full Name of Fifth Inventor, if any see above	GIVEN NAME <b></b> FAMILY NAME <b></b> INVENTOR'S SIGNATURE <b></b> DATE*	Residence (City, State & Country) <b></b> CITIZENSHIP
POST OFFICE ADDRESS (Complete Street Address including City, State & Country) <b></b>		

\* DATE OF SIGNATURE

Applicant or Patentee: \_\_\_\_\_ Attorney's  
Serial or Patent No.: \_\_\_\_\_ Docket No.:  
Filed or Issued: \_\_\_\_\_  
For: **IDENTIFICATION TAG**

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) and 1.27 (b)) — INDEPENDENT INVENTOR**

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention entitled \_\_\_\_\_

described in:

- ( ) the specification filed herewith  
( ) application serial no. \_\_\_\_\_, filed \_\_\_\_\_  
( ) patent no. \_\_\_\_\_, issued \_\_\_\_\_.

I have not assigned, granted, conveyed, or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ( ) no such person, concern, or organization  
( ) persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN ( ) NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN ( ) NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN ( ) NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF INVENTOR	NAME OF INVENTOR	NAME OF INVENTOR
Signature of Inventor <i>Zatohka Nakamura</i>	Signature of Inventor	Signature of Inventor
Date <i>October 4, 2003</i>	Date	Date